SHRI SURESH PACHOURI: Madam, I introduce the Bill.

THE CONSTITUTION (AMEND MENT) BILL, 1992 (INSERTION OF NEW ARTICLE 16A)

SHRI SURESH PACHOURI: (Madhya Pradesh)- I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRI SURESH PACHOURI. Madam, I introduce the Bill.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Shri Ramdas Agarwal. Not there. Shri Shabbir Ahmad Salaria. Not there. Now, we shall take up the discussion on the Constitution (Amendment) Bill, 1991 (insertion of new article 117A). Dr. Sivaji

THE CONSTITUTION (AMEND-MENT) BELL 1991 (INSERTION OF NEW ARTICLE 117A)—contd. .

DR. YELAMANCHILI SIVAJI (Andhra Pradesh). Madam, while supporting the Bill, the Constitution (Amendment) Bill, 1991 introduced by Shri Rajni Ranjan Sahu, I would like to add that Rajya Sabha is the Council of States and it is supposed to protect the interests of the State Governments. Under Article 109 of the Constitution of India, Money Bills cannot originate in the Rajya Sabha. Rajya Sabha has got little say in the introduction or the passing of this Bill. Madam, the State Government throughout the country, whichever party it be headed by are strained for finances. The finances of the State Governments are elastic. The finances that are available to the State Governments are being knocked away systematically by the Union Government. Untill the Finance Bill was passed in the year 1959, the Corporate tax was under Income Tax. After the Finance Act came into existene, in 1959, this got divided into two and the income tax paid by the companies and industries was earmarked under the Corporate tax. In 1959, the total amount of income tax collected for the year amounted to Rs. 173 crores and the corporate tax amounted to Rs. 54 crores. But in course of these 33 years, income tax from Rs. 173 crores has risen to Rs. 7870 crores which is less than 45 time and at the same time revenue from the corporate tax has increased 155 times. From Rs. 54 crores it has increased to Rs. 8125 crores. It is a fact that as per the Constitution, only the income tax * is divisible and the corporate tax is not divisible. Thereby the State Go. vemments do not have a share in the amount collected as corporate tax The opportunity of the State Governments in getting a share from the tax collected is lost because of the creation of corporate tax. This has affected the State Governments adversely. The late Dr. B. C. Roy, who was then Chief Minister of West Bengal had challenged this in the court of law stating that the introduction of corporate tax was deleterious to the interests of the State Govern, ments. The case went on for a long time in the Supreme Court. However, this did not affect the States very much. At that time there was no friction between the States and the Centre as we had very tall personalities like Pandit Jawaharlal Nehru, Dr. B. C. Roy. late Shri Kamaraj at the helm of affairs. What I mean to say is that by introducing the corporate tax, the State Governments have been denied a share from the income tax. It is a fact that the corporate tax accrues from the indus. tries or the companies. The tax collected from these industries goes to the Union Government and it is not divisible and hence the States do not get a share from it. But at the same time the State Governments are required to provide infrastrucure facilities like providing water, electricity, communication, roads and also housing facilities for the workers working in these industries. It is at the cost | of the State Governments. At the

same time, they are not, given the share from the tax collected in the form the corporate tax from those in- dustries. The same is the case with surcharge, additional excise duties and other levies. Excise duty is divisible to the State Governments, but not the additional excise duty, surcharge i and other livies. So, the Central Government found it convenient to restructure the tax system and give some relief in the form of changing the tax component, like the income tax and enhance the ceiling etc., at lb? cost of the State Governments. Also, they do not reduce the surcharge. Not only that, they go on enhancing the surcharges and the collection goes into the Central Excheq. wer, without developing the funds to the State Governments. In addition to this, the Central Government has got another *modus operandi* of going on enhancing the administered prices of the products of the public sector units like cement, steel, petrol, van-aspati, etc. The Government finds it convenient to enhance the administered prices without imposing any additional excise duty because if the pxeise; duty is levied, it is divisible to the State Governments. The Central Government finds it convenient and opportune to enhance the State administered prices and it is siphoned back to the Central Government in some form or the other.

SHRI JAGESH DESAI (Maharashtra): When the *ad valorem taxes* increase, automatically the ex-rise duty also increases.

DR. YELAMANCHILI SIVAJI: I an? not disputing the point raised by Mr. Desai and I am not discussing, about the ad valorem taxes. But when the administered prices of the publir sector units like the Cement Cor, noration of India, Steel Industries. Oil Corporation of India, etc. which are owned by the Union Government, are increased, whatever these units get in the form of hike in the administered prices, these are directly or indirectly credited or siphoned to the Central Government. And whenever the administered prices are hiked, the State Governments are penalised. For example, just a month earlier to the presentation of the Union Budget, that is, in January, the Coal India came out with a proposal of enhancing the prices of coal. Thereby, the Coal India collected Rs. 2600 crores, whereas the State Governments are affected by the hike in the coal prices. All the power generating units, that is, the Thermal Power Stations in all the States owned by various State Electricity Boards, are being affected. They also increase the Prices of petrol and petroleum products. When the prices of petrol and petroleum products are increased, the State Road Transport Corporations are affected. I am not classifying them as not only the DTC is affected, but also other State Road Transport Corporations. The position of those industries, which have been running on profit, tends to decline and they run on loss because of this.

Likewise when the administered prices of fertiliser are increased, it is ultimately the consumers of the State Agriculture Department, who are affected. So, it affects the State Exchequers, that is, the State Governments. Similar is the case with the cement prices. The Central Government goes on enhancing the administered prices of cement, and as a result, the housing, the construction of the projects and other developmental activities in all the States are affected and the State Governments have to pay from their loans. So, this practice of getting mileage out of burdening the State Governments by going on enhancing the administered prices is not desirable. It siphons out whatever little savings that are available to the State Governments. Nowadays, the State Governments have got a share in the small savings.

[Dr. Yelamanchili Sivaji] But with the debentures announced day in and day out by the public sector units and the reliefs under 80CC and 80CCB and with the classifying of wealth into productive assets and non-productive assets for purposes of wealth_tax, all the small savings are affected and thereby the State Governments loss their share in the small savings because they are invested in some other form like shares, bonds, debentures, etc., etc. which are not divisible to the State Governments. It is a very unfortunate situation that whenever any State Govern, ment or any State-owned corporation like the RTC or the Electricity Board comes out with a proposal to the Central for being allowed to go to the capital market to collect some money in the form of debentures or loans the Union Government is not ready to accept it so easily as it does for the proposals for the Centre at Delhi. So this system should be changed. In addition to the corporate tax and other taxes, hiking[1] the administered prices about twenty years ago the Central Government brought about) certain changes in the levy of additional excise duties. Certain items like vanaspasi, drugs and medicines, cement, paper and paper pulp, petroleum products were brought under the purview of the Central Government and certain additional levies were imposed on them and it was said that they would Duld be divisible, they were just like sales tax. Sales tax is an expenditure tax and it is elastic. It is the main source of income for the State Governments. And once it is transferred from the State Gover-ments to the Central purview, the State Governments will have little say over the collection or utilisation of those funds. And the Centre is also suffering from a credibility gap. With the political climate in the country, with different political parties in power in the States which are different from that which is in power at the Centre, there is a credibility gap In the devolution of funds between the Centre and the States. Therefore, I plead that the assignments made to the State Governments under Article 269 should be modified and in that res-poet the Rajya Sabha, which *is* sup. posed to be the Council of States, is expected to play a vital role.

Another point is natural calamities. It is a reality that at least one-third of the population in this country is affected by one natural calamity or the other every year. We have got a long coastline of more than 3,000 miles or so in the east, west and south. All the coastal areas are prone to cyclones.tidal waves and heavy rains and drought in some parts. In States like Andhra Pradesh every year one part of the State is affected by cyclone and another part by drought with the result one-third of the population is always affected by natural calamities. It is no longer[1] a regional problem. It is no longer a problem of the concerned State Government alone. It is beyond the capacity of the State Governments to arrange rehabilitation for all the people affected by the natural calamities. During 1977 cyclone and tidal waves swept the coastal areas of Andhra Pradesh and a few thousand people were washed away in Krishna District, and the entire Union Government with its funds and paraphernalia and the international organisations like the WHO and the UNICEF, could not effectively come to the rescue of the victims. Therefore, what I mean to say is that it is heyond the capacity of the Union Government itself, what to" speak of the State Government. So whenever a natural calamity takes place it is not fair on the part of the Union Government to tell the States, "It has occurred in your! State and it is your problem, it is your ,funeral, to undertake the relief operations. These should not be treated as regional calamities. These should be viewed as national calamities. One-third of the population as being effected[1] every year and it is the bounden duty of the Union Government, it is the duty of the entire nation, to come

to the rescue of the affected people. In that area also, some thinking must be done by the Union and the State Government.

With regard to the funds that percolate from Delhi to lower level, there are two categories: one is the divisi. ble pool and the other is the non-divisible pool and there is the discretionary quota of the Union Government. The Planning Commission!, which has got no constitutional sanction or sanctity) at all, has now be. come am extra-constitutional authority. The Planning Commission does not have any funds at its disposal, but it has a say in the functioning or planning of the State Governments and in the implementation of the developmental projects in the different States. But, at the same time, the Planning Commission is not answerable to anybody in this country and it has become? an extra-constitutional authority with only powers and without any duties assigned to it. So, the funds earmarked by the Planning Commission which are outside the divisible pool are much more than divisible pool or the funds earmarked by the Union Government that percolate to the States. So, it is the discretionary sanction of the Planning Commission.

The National Development Council, another organization created by the Planning Commission, has got no teeth at all and it) has lost its relevance over the years. The National Development Council meets according to the convenience of he Planning Commission. It meets whenever the Planning Commission wants and it meets only to ratify the proposals of the Planning Commission without the sanction of the Constitution or the sanction of Parliament. Therefore, the Planning Commission also should be reorganized so that the grievances of the States can be properly ventilated or the needs of the States can be projected properly. There should be proper representation to the States in the Planning Commission so that they can have a say in the formlationi and execution of the policies of the planning Commisson. So, both the National Development Council and the Planning Commission should be recorganized giveng due scope to the State. So, to that extent, I appreciate the amendment moved by Shri Rajni Ranjan Sahu.

Than, unless some positive thinking is done about the functioning of the Council of States, I am very much afraid, the integrity of the country will be at stake. We attained our independence in 1947. At that time, throughout the world a particular psychosis was there. Partition of the country was there. There were several princely States in the country and there were provinces, the former being rule by kings or princes. Elsewhere also, in the world, there were kingdoms and empires. *So* at that point of time, a strong Centre was warranted and a strong Centre was warranted in Delhi at that time to maintain the unity and integrity of the country. But half.a-century has gone by. What happens in 1992 is quite different from what happened in 1947. The Finance Minister has, in his Budget speech, said that the days of the colonial rulers, the East India Company, are long over and the Prime Minister also has in the course of his reply to the Motion of Thanks on the President's Address, said in this House that the "permit-licence-quota Raj" has gone and I am glad that he has repeated what Rajaji demanded. I am also very much happy that the Prime Minister has given a complete go-by to the Nehruvian era and Nehruvian thinking and has switched over to the latest thinking, the free enterprise concept or the *laissez faire* concept. I hope that he would continue wtih it..

(Interruptions). Don't close your ears, Mr. Ramachandran. You are closing your ears.

SHRI S. K. T. RAMACHANDRAN (Tamil Nalu): No, no. I am concentrating on what you said.

DR. YELAMANCHILI SIVAJL You closed, your ears when i was mentioning the name of Rajaji.

SHRI S. K. T. RAMACHANDRAN: No, no. I was just wondering how things have changed, how things are changing. The "old order changeth giving place to the new.". I was wondering how what Rajaji said has come true. That is all.

DR, YELAMANCHILl SIVAJI: When India attained independence, our Constitution-makers were from Edinburgh or Oxford and they were fresh with their Edinburgh or Oxford experi. ence. At the same time, the experience of the Russian Revolution was also there. And on the other 3.00 P.M. hand, there was the impact of the Great Depression. So the Constitution, with this background and inspired by the going on in Europe and other coun tries, drafted this Constitution, giving enormous powers to the Centre at the cost of States. So in their wisdom they thought that it was the only way to safeguard the integrity of the co untry. But the present system is not so, as we have changed a lot and there is a complete sea-change as compared to 1947 to 1992. Madam, the Rajya Sabha is not like the House of Lords in England and it is not hereditory. All the Members are elected duly by the elected represen tatives of States. So they represent the States and there are no nomina tions in this House from the heredit ory princes or something like that. So it is a continuing body. On the other hand, they are supposed to protect the interest of States. That is how it is called the Council of States. Unless some financial power is given to the Council of States, I do not know how they are capable of protecting the interests of States, financially and economically.

So it is high time for giving finan-cial powers to the Rajya Sabha also. And if it is not done, it is to the advantage of regional parties like our patty DMK and others. So I hope that wise counsels will prevail upon the treasury benches to pass this amendment unanimously in this House. Thank you.

SHRI JOHN F. FERNANDES (Goa): Madam, our Constitution is the most modern Constitution, be. cause it was framed in the latter part of 50's, and we are proud, Madam, that our Constitution has been evolved from seven best Constitutions of the world and we have taken the best from these Constitutions to give ourselves a new, modern Constitution.

Madam, I rise to support this Bill, not because it will only give powers to me as a Member of the Rajya Sabha. But I feel that it is the need of the hour that we see the pro blems facing us around at the mo ment. Madam, a hung Parliament has become the order of the day and there is no provision in our Constit ution. The Constitution framers have not seen this eventuality.. In case there is a hung Parliament, there is no provision to see that a national Government is installed. As rightly mentioned by my hon. colleague, I think it will be appropriate to have a review of our full Constitution. Not only in view of article 117 but there are some powers, Madam, where the Lok Sabha alone comes into the picture. For example, take the impeachment of the Chief Election Commissioner and impeachment of the Chief Justice of the Supreme Court and it becomes a mockery of this Chamber as one of the important Chambers that we are totally devoid of any power.

Our Constitution is flexible, and not rigid, and the framers of the Constitution have made a provision in the Constitution, it is article 368. Though my friend has moved this Private Member's Bill, I don't think it would see the light of the day. Naturally, the Government will request him to withdraw it. But I would request the Government to go thoroughly into our Constitution. It is high

time that since we do not have a Constituent Assembly to review this Constitution, they should take both the Houses in Parliament and see that proper powers are given to the Members of both the Houses.

Madam, I see that this House has gained its powers as time passes on. Initially the Question Hour was not permitted in this House as it was permitted in the Lok Sabha. We have now the Question Hour, I feel like wise that more powers should be given to this Chamber also. If We go out to the people, they are under the impression that Parliament means only Lok Sabha. and the Upper Cham, ber, the Rajya Sabha does not belong to the front seat of Parliament. Ma dam, though this money belongs to the people, we have no complaint about the Lok Sabha having the full est power and jurisdiction. But it should not be the fashion of the day to treat the Members of this House as aliens. We also represent the people, though we are elected indirectly in the same way as our President is elected. But, I don't think it would be proper to remove all the financial powers from this House. My colleague has brought this Bill in case of con tingency when the Lok Sabha is dis solved. If there is no Lower Cham ber, then this power should be given to the Upper Chamber. So, I feel that this Bill should be remodified by the Government, and it should be seen that equal powers are giveni to both the Chambers because we are also a part of the parliamentary system.

Madam, with these few observations, I support this Bill. I don't think this Bill will be passed through, but I earnestly request the Finance Minister to see that all the financiarl powers contained in the Constitution are reviewed and equal rights and equal powers are given to the Upper House also not only in the case of a contingency when the Lok Sabha is dissolved, but even otherwise.

With these few words, Madam, I support the Bill.

श्री संघ प्रिय गौतम (उत्तर प्रदेश) : उपसभाध्यक्ष महोदया, मैं रजनी रंजन साहू जी के विधेयक का समर्थन करने के लिए खड़ा हुआ हूं। लेकिन एक भ्रम कहीं हमारे लोक सभा के सदस्यों के अंदर न पैदा हो जाए इसलिए मैं उसको दूर करना चाहूंगा कि इस विधेयक द्वारा न तो लोक सभा के अधिकारों का कोई अतिक्रमण है और न ही यह किसी प्रकार से राज्य सभा के सदस्य भीख मांग रहे हैं। केवल उन परिस्थितियों में जब लोक सभा भंग हो गई हो या लोक सभा अस्तित्व में न हो और देश के सामने वित्तीय संकट खड़ा हो जाए तब फिर क्या होगा? संवैधानिक संकट खड़ा हो जाए तो क्या होगा केवल उस दशा में राज्य सभा में वित्तीय मामले उठाने का अधिकार दे दिया जाए केवल यह मंशा इस विधेयक की है, जहां तक मैं समझा हूं। इस तरह का कोई भ्रम या कोई भय तमाम देश के लोगों के दिमाग में और लोक सभा के सदस्यों के दिमाग में हम को पैदा भी नहीं करना चाहिए।

राष्ट्रीय निर्माताओं ने, जो भिन्न-भिन्न क्षेत्रों से भिन्न-भिन्न वर्गों से बड़े-बड़े अनुभवी और ज्ञानी इकट्ठे हुए थे, संविधान सभा के रूप में लगभग तीन वर्षों तक अपने मस्तिक का उपयोग करके इस संविधान का निर्माण किया था। और कोई विषय संविधान में ऐसा नहीं था जिस पर गूढ़ मनन न हुआ हो, विस्तृत चर्चा न हुई हो। यहां तक कि जो उस समय क्लाज बनाई गई थी उन एक-एक क्लाज पर, एक-एक लाइन पर विस्तार से चर्चा हुई थी और एक बढ़िया संविधान बनाकर देश को दिया गया था। लेकिन महोदया, हमारे देखते-देखते पिछले वर्षों में 69 संशोधन इस संविधान में कर दिये गये और एक संशोधन तो ऐसा भी कर दिया गया जिसके बारे में सुप्रीम कोर्ट ने भी यह कहा

Parliament has no right to interfere in the case of Fundamental Rights. But, there is a Fundamental Right under Article 31, the Right to Property.

[श्री संतोष प्रिय गो गौतम]

उसके बारे में भी संसद ने संविधान में संशोधन कर दिया। मौलिक अधिकार को निरस्त करके दूसरा प्रावधान संविधान में बना दिया । जब यह संसद मौलिक अधिकार में भी संशोधन कर सकती है तो यह जो एक बड़ा मामूली सा संशोधन है और केवल एक विशेष परिस्थिति में है तो क्यों नहीं कर सकती। मैं अधिक समय सदन का नष्ट न करके केवल यह कहना चाहता हूं कि केवल उस समय जब लोक सभा न हो या भंग हो गई हो तब ऐसा किया जाए। मैडम पूर्व में शायद कई बार राज्य सभा को बुलाना पड़ा होगा। मुझे तो अभी दो साल का समय भी पूरा नहीं हुआ, मुझे ध्यान है जून 1991 में लोक सभा भंग थी, लोक सभा अस्तित्व में नहीं थी, चुनाव नहीं हुए थे। और हरियाणा में राष्ट्रपति शासन का मसला विचाराधीन था। लिहाजा 3 जून को राज्य सभा की बैठक बुलाई गई थी और वह केवल राष्ट्रपति के शासन का अनुमोदन करने के लिए या उसको निरस्त करने के लिए थी, मुझे ठीक तरह से याद नहीं है और राज्य सभा ने यह निर्णय लिया था। इसलिए आगे भी इस प्रकार के अन्य अवसर होंगे। मैं इस संबंध में कुछ उदाहरण देना चाहूंगा। 1952, 1957, 1962 और 1967 तक नियमित रूप से इस देश में विधान सभाओं के और लोक सभा के चुनाव होते रहे और राज्य सभा का गठन भी समय पर होता रहा। लेकिन 1967 में व्यापक पैमाने पर कांग्रेस पार्टी की तरफ से जब दल-बदल का काम आरम्भ हुआ तो विधान सभाओं के इलेक्शन्स भी जो पहले समय पर होते थे, उनका समय भी बदल गया और 1971 में तत्कालीन प्रधान मंत्री श्रीमती इन्दिरा गांधी ने लोक सभा को भी भंग करा कर 1971 में पांच वर्ष की अवधि से पहले ही लोक सभा के समय को बदल दिया गया। उस समय से अनिश्चितता की स्थिति देश में बन गई। अब विधान सभाओं के चुनाव समय पर नहीं होते। एक स्थिति और बन गई। अब या तो कोलीशन गवर्नमेंट बनती है या माइनोरिटी गवर्नमेंट बनती है और जो कोलीशन गवर्नमेंट या माइनोरिटी गवर्नमेंट बनती है उसके कारण भी अनिश्चितता बनी रहती है कि कब तक चलेगी और कब तक नहीं चलेगी। इसलिए इन परिस्थितियों में जब लोक सभा की भी अनिश्चितता हो गई हो कि कब तक चलेगी और कब तक नहीं चलेगी और कब खत्म हो जाएगी और विधान सभाओं की भी अनिश्चितता बन गई हो तो इन स्थितियों में देश के सामने वित्तीय संकट भी खड़ा हो सकता है और संवैधानिक संकट भी पदा हो सकता है। इसलिए इस तथ्य को दृष्टिगत रखते हुए केवल विषम परिस्थितियों में (दैट इज दी प्रोविजन ओनली)। यह नहीं है कि परमानेन्टली लोक सभा के अधिकारों का अतिक्रमण हो। जहां तक मैं समझा हूं, ये अधिकार राज्य सभा को मिलने चाहिए। इसलिए मैं श्री साहू जी ने जो विधेयक पेश किया है उसका समर्थन करता हूं।

SHRI SANTOSH KUMAR SAHU (Orissa); Madam, this is a very thought-provoking Bill which my friend Mr. Sahu has brought before the House. It covers many a gamut of our Constitutional framework and it requires going into the history of development of our government and the working of the Constitution.

As rightly pointed out by Mr. Gautam, let not a wrong message go from this House that we want to encroach upon the powers of the Lok Sabha. The House of the People will continue to exercise its rights. But Mr. Sahu has brought this Bill for a limited purpose. What is the motive behind it? The fundamental question with regard to the budget is whether Parliament should exercise a check on the demands for money to be spent for particular purposes. Check by Parliament is a check by the people of the country. So the question arises, in the exigency of the dissolution of Lok Sabha, the Government cannot stop functioning. The work is carried on through the executive, through

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the bureaucracy and some minimum expenditure has to be incurred. For that we need a Parliamentary check. Now, what is the Constitutional machinery available? As Mr. Sahu has proposed article 117A in our Consti tution, the intention is to meet that exigency of dissolution of Lok Sabha. This House being a permanent House, it is natural that in such an exigency, this House will have the responsible ity of control over expenditure and ail such demands will come for prun ing by this House and discussion in this House, for a limited period only till the Lok Sabha is reconstituted or an Assembly is reconstituted. We have the experience in our country and we have seen a time when a Prime Minister called Parliament and before Parliament could meet, it was dissolved and continued to be so for six months and he continued as Prime Minister till new elections could take place. This happened in 1979. It is recent memory. Was there a check on the expenditure which was incurred during the period, till the constitution of the new Lok Sabha again? Mr. Charan Singh was the Prime Minister then. He resigned. Should not have the expenditure which was incurred till the subsequent election and formation of the new Lok Sabha gone through Parliamentary check? This is a fundamental question.

It has been said by many that we have adopted the British system in regard to financial matters. The Crown demands, the House of Commons approves it, and the House of Lords assents to it. It is said that we have adopted the UK system. But when we analyse the framework of our Constitution, We find that there are many innovations. We have not copied one system or the other. The character of the House is quite different there. For example, ' we have accepted the principle of separation of powers, as in the American Constitution. But we have not adopted the Presidential system of Government, as is the case in the U.S.A. Here, we have followed the British system. The Council of Ministers is responsible to the House of the People. Therefore, as I said, we have many innovations in our Constitution.

In the course of the working of the system during the last more than forty years, if we have found certain lacunae, certain difficulties, necessarily, we have to have a new thought and we have to give a new look to the Constitutional framework. From that point of view, this aspect requires due consideration.

Many Members talked about the resource.sharting between the Centre and the States. This is very pertinent. The Union Government devises the taxation measures, but the Constitution provides for sharing of the taxation revenue between the Centre and the States.

In passing, I would like to make a reference to article 79 of the Constitution. What is Parliament? Parliament consists of the President and both Houses of Parliament, namely, the(Councnil of States, i. e. the Rajya Sabha, and the House of the People, i.e. the Lok Sabha. Therefore, the President is part of Parliament. In this context, we found the other day, when the Motion of Thanks on the President's Address came up for discussion, that amendments were brought forward in respect of the Motion and the Motion was also pressed for Rivision. I do not think this was proper because, according to article 79, the President is part of Parliament. Sometimes, we forget our Constitutional responsibility and the conventions which are followed in the Parliamentary 6y6tem.

As I referred to earlier tax revenues are shared between, the .Centre and the States.' Therefore, the taxa-

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tion policy of the Government and other fiscal decisions of the Centre have their repercussions on different States in different ways. For example, till recently, we had the freight equalisation policy in regard to steel and other materials. This was affecting the Easteren States very much. It has been abolished now. This shows that the decisions of the Centre in regard to financial matters do affect various States in various ways. Therefore, when we adopt such policies, we should keep in mind the development of different States and the necessity to maintain the unity of the country. Particularly, the taxation measures of the Centre have cascading effects on different States. If we do not analyse it in that way, there will be big gaps in the development of different States and it will act as a drag on the overall development of the country. This is very important from the point of view of maintaining the integrity of the country.

Madam, it is very essential that we take a new look, we look afresh. Now, we have the methodology of determining the States' share through setting up Finance Comissions from time to time. As it has been pointed out, the Planning Commission has also a special role. Then, there are other methodologies on how the resources should be shared. The people are becoming conscious now. The people are becoming conscious on the question of sharing of resources. We are now moving towards globalisation of our economy. In that context, the question arises as to what should be the kind of taxation policy and other fiscal policies.

As I pointed out earlier, there are many provisions in the Constitution in regard to financial matters. There is a provision in relation to inter-State sales. There is a provision as to how the excise duties will be shared. Similarly, there are other provisions. My point is that, not only in regard to this limited purpose, but in regard to the interests of the States, this House must have a say, so that the interests of the States are safeguarded and they get higher share. The Sarkaria Commission has gone into these things, as to how the resource-sharing should be done. This has been agitating the minds of the people. In a multiple party system in our country it is natural that there will be many- ethos many vibrations. So, if we have to coordinate this country, we have not only to do good things but also to feel that the good things are done for the good of the people of this contry. In that perspective, it is necessary that Kajya Sabha, the Council of States, plays a pivotal role. Our Constitution is a written Constitution. Its lis one of the largest Constitutions in the World. It has so many amendments. The founding fathers of our Constitution had thought of so many innovations, they took the best of all and enshrined them in the Constitution. But we have seen how the world is changing. We are thinking of international trade and commitment. Unipolar world is coming up. The Planning Commission has failed to develop all parts of the coutry in a uniform way. Some of the States are feeling that other States advancing more and more. Thus, there is a feeling of discrimination in the heart of our younger generation, who are revolting tooth and nail. Therefore, these are the questions which we have to take into consideration. It is not a question of quarrelling for power. Today or tomorrow you and I may not bei there, but this country will go on It is one of the biggest democracies, having so much population. It is a glaring example before the world how a democratic fabric can be united with such a huge population. Yet, we will march ahead. We have to work for emotional Integra-

tion, national integration. For this purpose, it is necessary to consider financial aspects and balancing of all the backward regions. That is why, in the past we implemented the Gad-gil formla to give more support to the backward States. But now the aspiration of the youngmen has gone very high. In our multiple party system we are developing regional parties which may, in the ultimate analysis of the political development of our country, create more and more problems. So, in the constitutional framework itself we will have to provide for this. We will have to see how we can develop the interest of all the States in a uniform way. It is high time that we have a fresh look, a new look. We must see that we are doing justice to the common man. The entire country consists of various regions, whether-they are big or small. The population of those regions is also represented in this House. That is the essence of the Rajya Sabha, the' Council of States. We are not like the 'House of Lords' where a person continues to be a lord permanently because of his birth or because of his position, but here we come from States. The State legislators elect us and send us here. They have certain votes. They must have certain share in the national development. How that can be achieved, that aspect has to be considered very carefully. Now coming to the other point about the Bill, budget is meant only as a check on the executive so that it does not incur unnecessary expenditure without the sanction of the people. So, I think, there is nothing wrong in it. For only an exigency it has to be provided in the Constitution. It is a temporary question. For exigency "Vote.on-Account" has been provided. If an exigency arises, Parliament may pass Demands in advance or some committed expenditure required for the future. But that is not now quite sufficient. If this political pattern has to be followed in a multiparty system whera terrorism, secessionism is raising its head, we have to incur expenditure, we have to face the bad weather in the continuity of our life, of our nation. So, in such a case, if there is any emergency, if financial expenditure must have there is any contingency, the some sanction from some people's representatives. Upper House is not dissolvable. That is why it should come to it. That is fundamental.

Then, we must think about the question of sharing of the taxes of the state, the revenue of the state, the excise duty of the state and the planning ultimately which go to benefit the common man in different States. There should be a forum for discussion. That should be the highest body. Here there can be a discussion so that it can have some ray of hope to the people of the backward regions. There should be no regionalism. We should believe in distribution of national wealth for greater development of the country.

I have been telling very much from the very beginning, Madam, that in this world, not only here in this country but all over the world rich people get a favoured attention. That is why they are trying to impose the Dunkel proposal and other things. It is the national scene now. If that be the feeling of the poorer States, how can you survive, how can you be united? That is a very fundamental question. So, we have to go into all the questions and see how this House, Upper House can restore the balance and see that the States get justice without much of disturbance or preaching against them. So, it is very high time that we looked into the basic problems.

Do the financial provisions in the Constitution contain exigencies or not? To my mind and the mover of the Bills they do not. I will tell you one example, what happend in the past a decade back. The Lok Sabha was dissolved no sooner than it was summoned. But the expenditure cannot stop. The rails must

[Shri Santosh Kumar Sahu] move. The departments must work. The health programme must continue. So, what is the alternative? Also in the Constitution in the case of an ordinance it is provided that if the Lok Sabha is not there, it will be passed in Rajya Sabha. So, what is the difficulty? If the Lok Sabha is not there due to certain reason, that is not our fault. Why should it not come before Rajya Sabha? This is Council of States. It is approved here. It is a very simple question. I think the Government should consider it.

Not only that. There should be permanent sharing of powers by the Council of States so that it can discharge the constitutional obligations which have been enshrined. According to article 79, representatives from different States, 200 Members will be elected. So, what is the basic question? So, the founding fathers of the Constitution throught that besides the House of People there must the Council of States to protect and safeguard the interest of different States and to heve a bond of unity. That can be better fulfilled by giving certain powers. That must be provided in the fiscal policy and in other policies, so that it can play a vibrant role without which probably we will be going out of the way. In view of international developments, the rapidly fast changing world, we cannot be doctrinaire. We must have new ideas, new ethos, new values so that we can combine youth and thinking generation of the coming years in our country.

With these words, Madam, I would like to support this Bill. I say again that it is a thought-provoking Bill. It does not want to take away the powers of the Lok Sahha which is supreme as regards Demands and other things. Only for an exigency it has to be provided. This is one part. Then the Government may look into the other aspect. As I was saying, on tire question of sharing of the resourecs of the nation beteen the States and the Centre, why should Rajya Sabha be not given more powers? They can look into this aspect. That will be quite an answer. If we can think of that then we can have better days to come in the future. With these words, I support the Bill, Madam.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Mr. Subramanian Swamy, not here. Smt. Satya Bahin.

श्रीमती सत्या बहिन (उत्तर प्रदेश) : धन्यवाद, उपसभाध्यक्ष महोदया, आपने मुझे इस महत्ती विषय पर बोलने का अवसर दिया है। पहले तो मैं अपने साथी श्री रजनी रंजन साहू जी को हृदय से धन्यवाद देना चाहती हूं कि जिन्होंने इस विधेयक को लाकर इस ओर पूरे सदन का ध्यान आकर्षित किया है। महोदया, भारतीय संविधान में राज्य सभा को अपर हाउस, परमामेंट हाउस और हाउस आफ् लार्ड्ज़ आदि-आदि के नाम से संबोधित किया गया है और इसकी गरिमा को बढ़ाया गया है। ....(**व्यवधान**) महोदया, इसके साथ ही यह भी सत्यता है कि अधिकतर चाहे कोई भी सरकारें रही हों, जहां तक मेरी जानकारी है ज्यादातर समय में वित्त मंत्री इसी सदन के रहे हैं। चाहे वह प्रणब मुखर्जी हों, चाहे नारायण दत्त तिवारी रहे हों, चाहे यशवन्त सिन्हा रहे हों या अभी हमारे सम्माननीय श्री मनमोहन सिंह जी हों। लेकिन इस सदन को वित्तीय शक्तियां प्राप्त नहीं हैं जो कि लोक सभा को प्राप्त हैं। मैं तो कहूंगी कि यह एक छोटी सी विषमता का संकेत मिलता है। महोदया, जब संविधान बना था तो संविधान निर्माताओं ने यद्यपि बड़ी दूरदर्शिता के साथ इस संविधान का निर्माण किया था और जो शक्तियां लोक सभा को प्रदान थीं और राज्य सभा को, लेकिन आज कई बार ऐसी परिस्थितियां हो जाती हैं कि केन्द्र में किसी सरकार का बहुमत लोक सभा में होता है और सरकारें एक साल के अन्दर गिर जाती हैं, दो साल के अन्दर गिर जाती हैं और पूरा दायित्व

राज्य सभा पर आ पड़ता है। ऐसे समय में जब बजट को सुनिश्चित करना होता है कोई भी सरकार नहीं होती तो राज्य सभा का यह दायित्व होता है और होना चाहिए, यह शक्तियां राज्य सभा को मिलनी चाहिएं कि वह वित्तीय संसाधनों को सुनिश्चित करे और उसको पास करे। महोदया, जो राज्य सभा के सदस्य हैं वे अपने राज्यों से चुनकर आते हैं, राज्य के लिए उत्तरदायी होते हैं और केन्द्र सरकार जो भी धन देती है राज्य सरकारों को, उसमें उनका योगदान उनको विश्वास में लिया जाना चाहिए और उनको विश्वास में तभी लिया जा सकता है जब इस सदन को विश्वास में लिया जाए। महोदया, इस सभा का और इस सभा के सदस्यों का उत्तरदायित्व बड़ा व्यापक है। प्रत्येक राज्य सभा का सदस्य अपने संपूर्ण प्रदेश की जिम्मेदारी निभाता है, उसके लिए वह उत्तरदायी होता है और उसका प्रतिनिधित्व करता है। उसके प्रदेश में जो भी धन दिया जाता है, जो भी वित्तीय संसाधन दिए जाते हैं केन्द्र की तरफ से, उसके प्रति उसका चिंतित होना स्वाभाविक है, उसकी जिज्ञासा होना स्वाभाविक है। इसी तरह जो हमारी संसदीय परंपरा है, संसदीय समितियां हैं, संसदीय समितियों का जहां पर इसमें व्यवस्था की गई है उसमें भी मैं यह कहना चाहूंगी कि जिस तरह से पब्लिक एकाउंट्स कमेटी और पब्लिक अंडरटेकिंग्स कमेटी में इन सदस्यों को स्थान दिया जाता है लेकिन एस्टीमेट्स कमेटी में नहीं दिया जाता है तो मेरा निवेदन है कि इसकी तरफ सरकार को ध्यान देना चाहिए। और इस सभा को आर्थिक मामलों में पूरी तरह से विश्वास में लिया जाना चाहिए।

महोदया, मैं एक और सुझाव देना चाहती हूं कि जिस प्रकार से राष्ट्रपति जी का अभिभाषण होता है, बजट सेशन शुरू होता है और राष्ट्रपति जी का अभिभाषण होता है उस समय एक जाइंट सेशन या संयुक्त अधिवेशन होता है लोकसभा और राज्य सभा का केन्द्रीय हाल में, उसी तरह से जब बजट पेश किया जाता है तो उसका भी संयुक्त अधिवेशन हो सेंट्रल हाल में और वहां पर बजट पेश किया जाए। फिर उसके बाद बजट पर चर्चा अपने-अपने सदनों में हो और अपने-अपने सदनों में उसको पास किया जाए क्योंकि जिस तरह से लोकसभा में बजट पेश किया जाता है तो उस समय हम लोग एक दर्शक की तरह केवल देखते रहते हैं। उसमें हमारी कोई भागीदारी नहीं होती और न ही हम वहां बैठते हैं। इसलिए यह मेरा क निवेदन है, एक सुझाव है कि इस तरह की व्यवस्था हो कि इस सदन को वित्तीय संसाधनों के लिए विश्वास में लिया जाये और बजट जब पेश किया जाये तो उसे संसद के केन्द्रीय हाल में संयुक्त अधिवेशन में पेश किया जाये और वहां पर लोकसभा और राज्य सभा के लोग एक साथ हों।

महोदया, इन्हीं शब्दों के साथ मैं माननीय रजनी रंजन साहू जी को हृदय से धन्यवाद देती हूं कि उन्होंने इस विषय को उठाया और इस विषय की तरफ सरकार का ध्यान आकर्षित किया है। हम लोग ऐसा महसूस करते हैं कि जैसे हम लोगों के विवेक पर किसी का विश्वास ही नहीं है जबकि हम सभी लोग अपने-अपने राज्यों के प्रति उत्तरदायी हैं, उनके प्रति पूरी तरह से जागरूक हैं। मैं अपेक्षा करती हूं कि म स तरफ ध्यान देगी और इस सदन को भी वित्तीय शक्तियों से सुसज्जित करेगी। धन्यवाद।

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Kumari Sayeeda Khatun. Absent. Shri S. K. T. Ramachandran. Absent. Now the Minister will reply.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SHANTARAM POTDUKHE): Madam, Vice-Chairman, I am thankful to this hon. House which has debated the Bill of the hon. Member Shri Rajni Ranjan Sahu. He has brought the Constitution (Amendment) Bill seeking to introduce a new article 117A. It has

[Shri Shanta Ram Patdukhe]

provoked an invigorating debate in this House of the highest standard.

Several hon. Members have urged that the powers of this House in respect of financial matters or Bills tor appropriation of monies should be placed on par with those of the other House. They have referred to certain recent events in support of the hon. Member's Bill. They have also stressed the representative character of this House and its continuous nature. Not unexpectedly, most of those who spoke have supported the Bill. I respect the arguments put forward by them. At the same time, I appreciate that certain other hon. Members have been dispassionate enough to introduce some words of caution.

Madam, some hon. Members have sought to argue that the distinction between the powers of this House and the other House that has been made in our Constitution is based on the distinction between the House of Lords and the House of Commons in Britain and that such a distinction is not appropriate in the Indian context. With due respect, I must point out that the records of the Constituent Assembly indicate that the founding fathers of our Constitution did not indiscriminately adopt the pattern obtaining in Britain. In fact, the Constituent Assembly debated at length the distinction that should be made between the two Houses with regard to financial matters. In this context, I would like to recall the following statement by Dr. Babasa-heb Ambedkar in the course of the debate:

> "In the British Parliament, the House of Lords merely concurs in the financial provisions passed by the House of Commons; it has completely abrogated itself so far as finance is concerned. We are here making a departure from that position and are allowing the upper chamber to have some voice in the formulation of the taxation and financial proposals which have been initiated by the Lower House. As I said, we are conferring a privilege which ordinarily the upper chamber does not possess."

As Shri Chimanlal Shah pointed out in the Constituent Assembly. .

> The object of providing an Upper House in the Centre is to see that the States' voice or the voice of the units is adequately represented."

The present donstitutional provisions reflect these considerations, and have not merely been borrowed from the dispensation in Britain. This House may well be representative, but the nature of its representation and, therefore, of its functions and responsibilities must be recognised to be somewhat different 'from that of the other House. As one of the hon. Members has pointed out, and as the House will agree, the question is not of the supremacy of one House over the other, but one of recognising the functional differences between them in the overall framework of our system of democratic goverance.

Madam, the Constitution 'Amendment Bill moved by the hon. Member seeks to provide that, at time when the Lok Sabha is dissolved, or in any other situation when the financial business required to be completed by the Lok Sabha cannot be completed by that House, the Rajya Sabha should exercise the powers in relation to financial matters or bills for appropriation of moneys out of the Consolidated Fund of India. The Bill further provides that the appropriations passed by the Rajya Sabha should be got approved by the new Lok Sabha within 30 days from the date on which it (assembles.

In the Statement of Objects and Reasons, it is stated that through the Constitution has given a dominant role to the Lok Sabha in financial matters, recent happenings have shown that it is not possible for Government to present a regular Budget when the Lok Sabha is dissolved. As the Rajya Sabha is a continuous body, this power can, therefore, be conferred on the Rajya Sabha as a temporary measure.

The Bill is said to be prompted by the events of March, 1991, when the Government of Shri Chandra She-khar resigned before the interim Budget had been passed by the Lok Sabha and Rajya Sabha. A Vote on Account was obtained for four months' expenditure up to 31st July, 1991. Later, when our Government came to power in June and the regular Budget was presented in July, 1991, we had to obtain a second Vote on Account for expenditure up to 30th-September 1991, before the Budget was passed.

Madam, we do not envisage contingencies of this nature to arise often. In fact, I hope that such situations will not arise at all. We all saw the admirable way in which the Lok Sabha and Rajya Sabha dealt with the situation which arose in March, 1991, and passed the Vote on Account Appropriation Bill, and completed the financial and other business before dissolution of the Lok Sabha. I have full confidence that if such a situation were to ever arise again, both the Houses would again rise to the occasion and see that the business of Government does not come to a halt.

Whenever the Lok Sabha is dissolved and elections are held towards the close of the financial year, what delays the presentation of a regular Budget is not really the absence of Lok Sabha to receive such a Budget. It is a fact that pending elections, the caretaker Government does not present a regular Budget. Nor is it possible for a new Government to present a regular Budget immediately on assuming office, since it would require time to 'formulate the Budget taking into account the emerging overall economic situation, Government's own priorities, its socio-economic commitments and the fresh popular mandate. In fact, it is this process which delays the presentation of a regular Budget in election years. In my humble opinion an enbling provision to empower the Rajya Sabha to approve a regular Budget does not at all help in the matter.

Madam, as is well known, the Con stitution has not given the Lok Sabha and the Rajya Sabha equal powers with regard to financial matters. Article 109 provides that a Money Bill should not be introduced in the Rajya Sabha. If the House does not return to the Lok Sabha money bills passed by that House within 14 days, the bills are deem ed to be passed by both the Houses. Demands for Grants are voted only by the Lok Sabha and not the Rajya Sabha. The Appropriation. Bill has to include only those amounts which have been voted by the Lok Sabha (together with amounts which are "charged" on the Consolidated Fund of India). If the two Houses had been given the same powers under the Constitution, it may have been possible to accept the proposition that in the event of dissolution of the Lok Sabha, the Rajya Sabha can be given powers to pass money bills. As I have mentioned earlier, the Constitution makers, with due care and deliberation, kept ' the financial powers with the Lok Sabha. They were of the considered view that, in a democratic State, only the directly elected representatives of the people should have powers in' regard to financial matters. The hon. Member, Shri Sahu, himself has recognised as such.

in a somewhat parallel situation concerning the States, when a State's legislative powers are exercisable by the Parliament under Article 356 of the Constitution, the President, and not the Kajya Sabha is empowered to authorise expediture from the Consolidated Fund of the State when the Lok Sabha is not in session (vide Article 357).

Sir, the Constitution has struck a delicate balance between the powers of this House and the other House with regard to their respective legislative powers on various subjects. If we were to tinker with this, we would be affecting the basic structure of the Constitution. With due regard to the objectives behind the hon. Member's Bill but in view of the considerations which I have placed before the House, I would request Shri. Sahu not to press for the Bill, and to be kind enough to withdraw it.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Shri R. R. Sahu.

श्री संघ प्रिय गौतम : मुझे एक बात पूछनी है, मैडम, कि किसी भी राज्य में जब राष्ट्रपति शासन की मियाद बढ़ाने की बात होती है तो जब राष्ट्रपति जी को यह अधिकार है कि कंसोलिडेटिड फंड से पैसा दे सकते हैं तो फिर राज्य सभा को बुलाने की जरूरत क्या होती है उस राज्य में राष्ट्रपति शासन को बढ़ाने के लिए ? राष्ट्रपति स्वयं निर्णय क्यों नहीं ले सकते ? तो आपको इस पर क्या कहना है, यह मेरा एक प्रश्न है ?

SHRI S.K.T. RAMACHANDRAN: Madam, Rajya Sabha has no power in regard to money bills. Here I would like to make a suggestion-Why should not the Budget be presented in a Joint Session? Why don't they give us that status to be present there? The Presidential Address may be delivered in a Joint Session in the Central Hall. Similarly when the Budget is opened to the whole world through the TV, why have we been denied that privilege of being there? There is no voting then. So I would like to make a submission that the Government should consider this matter, that is, the Annual Budget should be presented in a Joint Session.

श्रीमती सत्या बहिन : मैडम, मैंने भी बोला था इस पर, मंत्री जी रिएक्ट करें कि ज्वाइंट सैशन में बजट को पेश किया जाना चाहिए ।

SHRI SHANTARAM POTDUKHE: I will consider this suggestion... *(Interruption)*...

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): He said, he will consider the suggestion.

SHRI RAJNI RANJAN SAHU (Bihar): Madam Vice-Chairman, I am grateful to all my colleagues, namely, Shri Ish Dutt Yadav, Shri S. S. Ahluwalia, Dr. Narreddy Thulasi Reddy, Dr. Ratnakar Pandey, Chowdhry Hari Singh, Shri Mohd. Khaleelur Rahman, Shri Shanti Tyagi, Shri Suresh Pachouri, Shri Ram Awadhesh Singh, Dr. Y. Sivaji, Shri Fernandes, Shri S. P. Gautam, Shri S. K. Sahu and Shrimati Satya Bhain. Madam, the hon. Minister in his reply has quoted the deliberations which took place in the Constituent Assembly and he has also quoted Babasaheb Ambedkar and Chimanlal Shah. I don't contradict the hon. Minister, but perhaps he has not gone through the objectives and reasons for bringing this Bill. The underlying spirit of my Bill was not to usurp the financial powers of the Lok Sabha nor to make Rajya Sabha a rival body to Lok Sabha. The only reasons for my proposing this measure was the difficulty which we had faced last year when the Government could not continue for a long time and there was an urgent need for clearing the budget proposals. Our colleagues have also emphasised on this situ- ation. Had there been a provision like the one I suggested in the Bill.

that difficulty would have been solved and there would not have been any financial crisis which was about to take place.

Madam, the Rajya Sabha is no more a sedate and docile body. It has become a very vibrant and living institution; although it is a second chamber, it s not a secondary chamber. The Constitution of India assigns a definite role to the Rajya Sabha inasmuch as the mode of election of Members is such that the Rajya Sabha derives two mandates rather than one unlike the Members of the Lok Sabha. First, our voters who are Members of the Legislative Assembly are elected and then they, in turn, elect us. We do not represent any constituency. We represent collectively the entire nation. Therefore, it is in the fitness of things that a positive and purposeful task should he assigned to this body, which is an fleeted one. Constitution framers have stated that Rajya Sabha is more powerful than the House of Lords Hut less powerful than the Senate of U.S.A. I don't go to the extent of asking that even international treaties should be ratified by this House as is done by the Senate of America.

Madam, when the Constitution was being framed a number of suggestions were made for making the Rajya Sabha more representative in charac ter by gving functional represen tation to various groups although, finally, they were not agreed to. The principle involved is various interests of our people should he represented in the House so that this House performs the task assign ed to it. We have been performing this task in the same way as the Lok Sabha For instance, we are asses sing the performance of the Govern ment by means of Questions, Cal ling Attention, Special Mentions, etc. as the Lok Sabha does. It is true that under the Constitution . the Council of Ministers is responsible only to the Lok Sabha and it is that House which has the power to get the Government out of office. We have no such power. But this want of power should not come in the way of our effective functioning and overseeing the administration or securing accountability of the Government or reflecting and representing peoples grievances and problems.

The demands for grants are made only to the Lok Sabha. The Lok Sabha alone has got the power to reduce the demand and reduction in a demand amounts to censure of the Government. We have no such power but by our persistent efforts, we have evolved a system of going into the working of Ministries of the Government of India. Such system has conic to stay and it has yielded lot of divident. The Ministries are selected for discussion by the Business Advisory Committee and we get on opportunity of throwing light on many important aspects of the functioning of important Ministries of the Government. This is a compensation for the loss of power for discussing the demands.

Many people say that the Rajya Sabha has no financial powers at all. In other words, they mean to say that in money matters we have no say but this is only broadly true. If you go into the past precedents, the Rajya Sabha has even suggested amendments in the Income Tax Bill which is always regarded as a Money Bill, Even Financial Bills can be introduced in the Rajya Sabha, though the embargo is only on a Money Bill as defined in Article 110 of the Constitution. Budget is required to be laid on the Table of the Rajya Sabha, so also the Report of the C&AG. We are associated with the Public Accounts Committee, Public Undertakings Committee and some other committees as well. That only indicates that we have definitely a say in the matter. Of course, we do not have representation on the Estimates Committee. I understand that attempts

[Shri Rajni Ranjan Sahu] were made in the early days of the Rajya Sabha to have our representation on the Estimates Committee as *well.* But the Lok Sabha had hot. Agreed, for the reason that the Eesimates Committee concerns itself with the . estimates which are only presented to the Lok Sabha, and so we have been denied the privilege of working on that Committee. But

4.00P.M.

if you look into the working of the Eestimates Committee, you will find that the Committee does not, go. into the estimates at all. Technically speaking, the Committee undertakes vertical and horizontal study on different issues or projects under a partipu'ar Ministry. In other words, over the years the Estimates Committee has also undergone a transformation. If that is so I, do not see any reason as to why Rajya Sabha cannot be associated with the Committee. In fact, if the matter . is to be taken to a logical conclusion, there is nothing which prevents us from setting up our own Estimates Committee.' But than as I said in the beginning, we do not want to give rise to any friction or controversy. I would like to mention here that since the last Parliament Session, Lok Sabha has constituted three Subject Committees on Agriculture, Science and Technology and Environment. The Rajya. Sabha. Members are no doubt represented on these Committees but that is not adequate. As it is, Parliament does net-get adequate time to scrutinise. all the Ministries of the Government of India. For the last several years, Lok Sabha is finding it very difficult to go into the demands for grants of various Ministries. This results to millions of rupees getting cleaned on the last day the apptication of guillotine- This is unjust and to my mind it amounts to abandoning Parliament's duty of exercising financial control. The only reason for the application of guillotine is inactequacy of time. The solution is Subject Committees, and the three Committees that have been constituted are a step in the right direction. But there are many other areas of Government activity which have remained uncovered. Rajya Sabha has not been given an opportunity to initiate or set up its own committees. Some time back there was a talk to set up at least 3 to 4 committees by the Rajya Sabha and the Members of the Lok Sabha could be represented in these committees. But, unfortunately only the other House has been setting up committees and we have been ignored. I. therefore, strongly demand that that we should set up at least three committees on Information and Broadcasting, Labour and Commerce or any other Ministry which has not been covered by the Lok Sabha, The Leader of the House is present here and I helieve he will take up this matter in right earnest. This will give us an opportunity to participate and understand the functioning of Government in different areas. Another important point which I would like to bring to the notice of the House is about the Special Mentions. Srvecial Mention become very popular these days. Thanks to the liberal attitude of our hon. Chairman who has permitted us to make Special Mentions though there is no rule as such for this our function is so strong that we will not feel at case in the House if the Special Mentions are not permitted. Especially. our learned colleague Ratnakar Pandoviji would feel *more* upeomfor- table when be does not any somothi in the zero House on make any Special Mention.

SHRI V. NABAYANASAMY (Pon-cherry): Also when he dose not get an opportunity to sneak on some sub-

DR. RATNAKA,R PANDEY

don't. not an coportunity. SHRI RAJNAN SAHU He sneaks every day and it is good.

[Shri Rajni Ranjan Sahu]

However, the replies which we receive from the Ministries are either not satisfactory or inadequate or we do not get the replies at all sometimes. And I request the hon. Leader of the House to prevail upon the Ministries, who do not send their replies for the Special Mentions, to send their replies. As we all know, one month period has been laid down for reply to the Sepcial Mentions made in the House. But very rarely this time-limit is adhered to. The delayed reply to a Special Mention defeats the purpose of making it. I, therefore, strongly urge that the • Rajya Sabha should set up a committee to scrutinize the Special Mentions like the Committee on assurances which scrutinizes assurances. If this suggestion is taken up, the purpose of making Special Mentions would become fruitful and effective and that will be one more step in securing Government accountability to Parliament.

Pandit Jawaharlal Nehru observed in 1953; "It is very essential for the smooth functioning of the Constitution that both the Houses of Parliament should work in the spirit of harmony and cooperation, that is, what is desirable in the interest of the Parliamentary democracy as also the people."

The underlying spirit of my Bill, therefore, is to reinforce the financial accountability of the Government when the Lok Sabha is under dissolution. As a Federal Chamber, the Constitution has given us powers under Articles 249, 311, 352 and 356 and all the powers have been utilised from time to time. The present Bill is only further extension of that rower when the Lok Sabha is under dissolution. There is no question of confrontation with the Lok Sabha.

Madam, I am very grateful to you and to the hon. Members for extending support to this Bill.

SHRI SANGH PRIYA GAUTAM: They will also vote in your favour.

SHRI TINDIVANAM G. VENKATRAMAN (Tamil Nadu): There are also criticisms.

SHRI RAJNI RANJAN SAHU: I am also grateful to my other friends, Shri B. L. Panwar and Shri Kulabi-dhu Singh, who also expressed their views on this Bill. Incidentally, I may mention that many people say that the Rajya Sabha does not have any financial matters. I do not want to dilate upon that. But today the fact is that even though as a body we cannot alter a single order in the Budgetary allo. cation, Rajya Sabha has at least got the distinction of giving half a dozen Finance Ministers to frame the Budgets. Isn't this a significant and substantial achievement? My purpose has, therefore, been achieved and I am happy to say that we have been able to have an introspection about the role, functions and powers of Rajya Sabha.

While I am on the financial powers of Rajya Sabha, I would like to make one important suggestion. My other colleagues have also made it. At present on the Budget day Members of Rajya Sabha have to go and sit in the galleries reserved in Lok Sabha for listening to the Finance Minister's Budget Speech. Rajya Sabha is also adjourned one or two hours earlier for the purpose. I do not see any reason why the Finance Min-ter's Budget Speech cannot be read in Rajya Sabha by the Minister of State or the Deputy Minister simultaneously with the Budget Speech going on in Lok Sabha. Already the entire country has witnessed this year the live telecast of the Finance Minister's Speech and I thank the Doordarshan for that. Why then should Rajya Sabha be deprived of the benefit of the Budget Speech at the same time?

[Shri Rajni Ranjan Sahu] Some reform should, therefore be undertaken in this direction so that Rajya Sabha is not kept merely satisfied *by a* copy of the Budget Speech being laid on the Table of Rajya Sabha after the entire world has already listened to it. If this is not feasible, I have another suggestion to make. At present every year for the President's Address Members of both the Houses of Parliament assemble together in the Central Hall. I suggest that the Finance Minister's Speech also should be read out in the Central Hall where Members of both Hbuses of Parliament are assembled together and after the Speech' both Houses of Parliament may disperse to meet Separtely for the formality of having the Budget Papers laid on the Table of each House or for the introduction of the Finance Bill in Lok Sabha. I think this is very essential from the point of view of maintaining the dignity and the status of a body like Rajya Sabha which is not a hereditary body and it should not be treated with a touch-me-not attitude.

The honourable Minister has said in his reply that such a situation has arisen only once after March, 1991 and he has assured us that it will not arise in future. I do not know whether he is a *joyotishi* to be able to say that. I do not know on what basis he has said that. I do not know whether he has read the horo-scope of Rajya Sabha. I believe that it is only his presumption.

With these words, in the end I would request the honourable Minister to consider the points which I have raised and I hope he will try to bring about the reform I have suggested in some form or other so that Rajya Sabha is not treated different from Lok Sabha. And with this hope I do not wish to press the Bill. I once again hope that the House will have yet another occasion to have a fresh look at the suggestions underlying my proposal. Thank you once again.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Has he the leave of the House to withdraw the Bill?

SOME HON. MEMBERS: Yes.

The Bill was, by leave, withdrawn.

THE VICE-CHAIRMAN; Now, the Domestic Workers' (Conditions of Service) Bill, 1990. Dr. Bapu Kal-date is to move. He is not here. The next one is the Prevention of Sexual Harassment of Women Employees at their Work Places Bill, 1990. It is to be moved by Smt. Kamla Sinha. She is not here. None of the Members is present here for his or her Private Member's Bill. So, if the honourable Members agree, I think we can take up the Railway Budget.

Bafore we take up the Railway Budget, since there is no other Vice-Chairman present here, I would like to request, if the honourable Members agree, Shri Santosh Kumar Sahu to preside.

The Vice-Chairman (Shri Santosh Kumar Saha) in the Chair.

THE BUDGET (RAILWAYS), 1993-93—contd.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): Now, Mr. V. Narayanasamy to speak on the Railway Budget.

SHRI SANGH PRIYA GAUTAM (Uttar Pradesh): Sir, there is a small point which I want to make. There are no Members at all, there is no quorum, I think we can arjourn. as some parties not at all represented. (Interruptions) ...

SHRI V. NARAYANASAMY (Pondicherry): You see, we don't raise that issue in this House. That is the convention.